



**ASIC**

Australian Securities & Investments Commission

---

---

## **ASIC Corporations (Amendment) Instrument 2018/1098**

---

I, Anthony Graham, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 3 December 2018

Anthony Graham

---

## Contents

<b>Part 1—Preliminary</b>	<b>3</b>
1 Name of legislative instrument .....	3
2 Commencement .....	3
3 Authority .....	3
4 Schedules .....	3
<b>Schedule 1—Amendments</b>	<b>4</b>
<i>ASIC Corporations (Group Purchasing Bodies) Instrument 2018/751</i> .....	4

## **Part 1—Preliminary**

### **1 Name of legislative instrument**

This is the *ASIC Corporations (Amendment) Instrument 2018/1098*.

### **2 Commencement**

This instrument commences on the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

### **3 Authority**

This instrument is made under subsections 601QA(1), 926A(2), 951B(1) and 992B(1) of the *Corporations Act 2001*.

### **4 Schedules**

The instrument that is specified in the Schedule to this instrument is amended as set out in the applicable items in the Schedule.

## Schedule 1—Amendments

### *ASIC Corporations (Group Purchasing Bodies) Instrument 2018/751*

#### 1 Section 4

Insert:

*decision* has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

#### 2 After section 8

Insert:

##### 9 Application for review by Administrative Appeals Tribunal of decisions made under section 7

(1) An affected person in relation to a group purchasing body may make an application to the Tribunal for review of a decision made by ASIC to give a notice under section 7 in relation to the body.

(2) If:

(a) an affected person in relation to a group purchasing body makes an application to ASIC for ASIC to withdraw a notice given under section 7 in relation to the body; and

(b) ASIC makes a decision not to withdraw the notice;

an affected person in relation to the body may make an application to the Tribunal for review of the decision.

(3) If ASIC makes a decision to which subsection (1) or (2) applies, ASIC must take such steps as are reasonable in the circumstances to give the group purchasing body notice in writing or otherwise of:

(a) if subsection (2) applies—the making of the decision; and

Note: In the case of a decision to which subsection (1) applies, notice of the decision will be given by the giving of the notice referred to in section 7.

(b) in any case—the right of an affected person to have the decision reviewed by the Tribunal.

The notice may be given by sending it to the body's address last known to ASIC, provided that if the group purchasing

body is not incorporated, the notice may instead be sent to the address of an office bearer or employee of the body.

- (4) A failure by ASIC to comply with this section does not affect the validity of the decision.
- (5) In this section, ***affected person*** in relation to a group purchasing body and a decision means:
  - (a) if the group purchasing body is incorporated—the body; and
  - (b) otherwise—the body and each officer bearer and employee of the body whose interests are affected by the decision.